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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,020	04/19/2004	Christopher Louis Capps	SVL920030108US1	2516

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EXAMINER
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GORTAYO, DANGELINO N

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/827,020	CAPPS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dangelino N. Gortayo	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application, from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/19/2004</u>   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-28 are pending.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 4/19/2004 is in compliance with the provisions of 37 CFR 1.97 and has been considered by the examiner.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 23-24 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller et al. (US Publication 2003/0050849 A1)

**As per claim 23, Keller teaches** "In a network comprising a first node where raw business data is collected, wherein the first node comprises information relating to transactions conducted at the node, and a second node connected to the first node, a method for converting the raw business data to transformed data," (see Abstract)

“the method comprising: monitoring the availability of raw business data at the first node;” (Figure 8 reference 400 and block 0045 lines 1-7, wherein a job scheduling tool monitors transactional data)

“determining whether to transform the raw business data to transformed data based on relevant second node conditions;” (block 0051, wherein data streams can be sent directly to a server, for transformation into a database)

“and transforming the raw business data to transformed data at the second node when any of the relevant second node conditions is satisfied.” (block 0044, wherein data is transformed and placed into database tables).

**As per claim 24, Keller** teaches “the relevant second node conditions comprise any of availability of processing resources to process the raw business data at the second node and the relative cost of processing the raw business data at the second as opposed to the first node.” (block 0013)

**As per claim 26, Keller** teaches “the determining element comprises considering relevant network conditions and wherein relevant network conditions comprise the availability of bandwidth to transport the raw business data from the first node to the second node.” (blocks 0051, 0052)

**As per claim 27, Keller** teaches “the first node comprises a retail sales operation and the second node comprises an enterprise node coupled to the first node by a network.” (block 0012, 0016)

**As per claim 28, Keller teaches** “the transforming element comprises transforming the raw business data to transformed data at the first node when any of the relevant first node conditions is satisfied.” (block 0042)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. (US Publication 2003/0050849 A1) in view of Jani et al. (US Publication 2005/0049974 A1)

**As per claim 1, Keller teaches** “In a network comprising a first node where raw business data is collected, wherein the first node comprises information relating to transactions conducted at the node, and a second node connected to the first node, a method for converting the raw business data to transformed data,” (see Abstract)

“the method comprising: determining a period of time when the raw business data is to be processed for conversion to transformed data;” (Figure 8 reference 400 and block 0045 lines 1-7, wherein a job scheduling tool determines when data is sent to a manufacturer database)

"determining whether to transform the raw data into transformed data in the first node based on relevant local processing conditions," (block 0045 lines 7-15, wherein transformation job is initiated based on message received)

"converting the raw data to transformed data in the first node if any of the local processing conditions is satisfied;" (block 0042, wherein an envelope and XML document are combined in the retailer for a payload format to be sent to manufacturer database)

"and sending the raw business data to a second node for conversion to transformed data if none of the local processing conditions is satisfied." (block 0051, wherein data streams can be sent directly to a server, for transformation into a database)

Keller does not teach "'wherein the local processing conditions comprise one of a need for the transformed data in the first node and a availability of processing resources for processing in the first node during the period of time". Jani teaches "wherein the local processing conditions comprise one of a need for the transformed data in the first node and a availability of processing resources for processing in the first node during the period of time;" (Figure 7A references 210, 212, 216, and block 0044, 0060, 0061, wherein it is determined if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when

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transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (block 0006).

**As per claim 2, Keller teaches “the period of time is predetermined interval.”**  
(block 0013)

**As per claim 3, Jani teaches “the period of time is based on an amount of the raw data.”** (block 0044)

**As per claim 4, Keller teaches “the transformed data comprises a transformed format.”** (block 0031, wherein the data is transformed to a common format)

**As per claim 5, Keller teaches “the transformed data format is XML.”** (block 0047)

**As per claim 6, Keller teaches “the transformed data format is IXRetail.”** (block 0047, wherein the XML format is for transaction data)

**As per claim 7, Keller teaches “the transformed data format comprises POSLog data.”** (block 0045, 0047, wherein data can be transformed into EDI format)

**As per claim 8, Keller teaches “the raw data comprises sales-related data.”**  
(block 0013, 0016)

**As per claim 9, Keller teaches “the method further comprises transforming the raw data into the transformed data format at the first node if either of the conditions is met.”** (block 0042)

**As per claim 10, Keller teaches “the processing comprises parsing the raw data to extract data from each of a plurality of fields.”** (Figures 26, 29, 31, block 0024, 0025)

**As per claim 11, Keller** teaches “sending the data to a second node for conversion to transformed data, if none of the optimal conditions are satisfied, further comprises converting the raw data to a transformed data format and entering the transformed data into a database.” (block 0044)

**As per claim 12, Keller** teaches “determining whether to process the raw business data is done at the first node.” (block 0046, wherein messages determine when to process data)

**As per claim 13, Keller** teaches “determining whether to process the raw business data is done at the second node.” (block 0051)

**As per claim 14, Keller** teaches “collecting raw business data at a first node comprises collecting raw business data at a store node.” (block 0016)

**As per claim 15, Keller** teaches “sending the raw business data to a second node for conversion to transformed data comprises sending the raw business data to an enterprise node for processing.” (block 0012)

**As per claim 16, Keller** teaches “the raw business data comprises TLog data and determining whether to process the raw data in the first node is done at the frequency of TLog transfers to the second node.” (block 0013, 0016)

**As per claim 17, Keller** teaches “local processing conditions include the available processing bandwidth of the network for transmitting the data to the second node.” (block 0051, 0052)



**As per claim 18, Keller teaches “An information processing system” (see Abstract)**

“comprising: a processor for collecting raw transactional data;” (block 0041, wherein a retailer collects transaction data)

“a memory for storing the raw transactional data;” (block 0036, 0041, wherein a retailer and manufacturer databases store transaction data)

“and a communication subsystem for transmitting the raw data to a second node;” (block 0036, wherein data flows from retailers and manufacturers to transaction data store)

“wherein the controller comprises logic for determining a period of time when the raw data is to be processed for conversion to transformed data,” (block 0045 lines 7-15, wherein transformation job is initiated based on message received)

Keller does not teach “and for determining whether to process the raw data in the first node based on local processing conditions, wherein the local processing conditions comprise one of a need for the transformed data in the first node and a demand for processing in the first node during the period of time.”

Jani teaches “and for determining whether to process the raw data in the first node based on local processing conditions, wherein the local processing conditions comprise one of a need for the transformed data in the first node and a demand for processing in the first node during the period of time.” (Figure 7A references 210, 212, 216, and block 0044, 0060, 0061, wherein it is determined if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would

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have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (block 0006).

**As per claim 19, Keller teaches** "the logic comprises program code instructions for execution by the processor." (block 0021)

**As per claim 20, Keller teaches** "the logic comprises an application-specific integrated circuit." (block 0035)

**As per claim 21, Keller teaches** "the processor comprises a point of sale controller and the second node is an enterprise node that comprises information." (block 0012, 0016)

**As per claim 22, Keller teaches** "A computer readable medium comprising program instructions for:" (see Abstract)

"collecting raw data at a first node in a network, wherein the first node comprises information relating to transactions conducted at the node;" (block 0016, wherein transaction data is collected on the retailer side)

"determining a period of time when the raw data is to be processed for conversion to transformed data;" (Figure 8 reference 400 and block 0045 lines 1-7,

wherein a job scheduling tool determines when data is sent to a manufacturer database)

"determining whether to process the raw data in the first node based on local processing conditions," (block 0045 lines 7-15, wherein transformation job is initiated based on message received) "wherein the local processing conditions comprise one of a need for the transformed data in the first node and a demand for processing in the first node during the period of time;"

"converting the raw data to transformed data in the first node if either of the conditions is met;" (block 0042, wherein an envelope and XML document are combined in the retailer for a payload format to be sent to manufacturer database)

"and sending the data to a second node for conversion to transformed data if none of the optimal conditions are satisfied." (block 0051, wherein data streams can be sent directly to a server, for transformation into a database)

Keller does not teach "wherein the local processing conditions comprise one of a need for the transformed data in the first node and a demand for processing in the first node during the period of time;" Jani teaches "wherein the local processing conditions comprise one of a need for the transformed data in the first node and a demand for processing in the first node during the period of time;" (Figure 7A references 210, 212, 216, and block 0044, 0060, 0061, wherein it is determined if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with

Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (block 0006).

**As per claim 25, Keller teaches** "the determining element comprises considering relevant first node conditions" (block 0045 lines 7-15, wherein transformation job is initiated based on message received)

Keller does not teach "and wherein relevant first node conditions comprise the need for the transformed data at the first node and the availability of processing resources to process the raw business data at the first node."

Jani teaches "and wherein relevant first node conditions comprise the need for the transformed data at the first node and the availability of processing resources to process the raw business data at the first node." (Figure 7A references 210, 212, 216, and block 0044, 0060, 0061, wherein it is determined if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (block 0006).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cockrell et al. (US Patent 6,182,084 B1)

Kuznetsov (US Patent 6,772,413 B2)

Mudunuri et al. (US Publication 2005/0125436 A1)

Wilms et al. (US Publication 2005/0187991 A1)

Kornelson et al. (US Patent 7,024,431 B1)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dangelino N. Gortayo whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dangelino N. Gortayo  
Examiner

Tim T. Vo  
SPE

DL

A handwritten signature in black ink, appearing to read 'Tim Vo', with a stylized flourish at the end.

TIM VO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100